

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
CALPINE EASTERN CORPORATION,

Index No. 1:07-cv-09911 (GEL)

Plaintiff,

-v-

AP&amp;M FIELD SERVICES, INC.,

Defendant.

-----X

**AMENDED CIVIL CASE  
MANAGEMENT PLAN**

USDC SDNY
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DATE FILED: <u>5/1/08</u>

After consultation with counsel for all parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. The case is/is not to be tried by a jury. Scheduling of pre-trial practice should be arranged with a view to having the case ready for trial within approximately six months of the initial pre-trial conference.
2. Joinder of additional parties must be accomplished by January 25, 2008.
3. Amended pleadings may be filed until February 7, 2008.
4. All fact discovery is to be completed by June 27, 2008. Interim deadlines set below may be extended by the parties on consent without application to the Court, provided the parties can still meet the discovery completion date ordered by the Court, which shall not be adjourned except upon a showing of extraordinary circumstances.
  - A. First request for production of documents, if any, to be served by February 8, 2008.
  - B. Interrogatories pursuant to Local Rule 33.3(a) of the Civil Rules of the Southern District of New York to be served by February 8, 2008. No other interrogatories are permitted except upon prior express permission of the Court.
  - C. Fact depositions to be completed by June 27, 2008. Expert depositions to be completed by Sept. 30, 2008.
    - i. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first request for production of documents.
    - ii. Depositions shall proceed concurrently.

- iii. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
- iv. No depositions shall be extended beyond two business days without prior leave of the Court.

D. Expert, if any, are to be designated by July 1, 2008, and experts' reports exchanged no later than July 18, 2008. Expert depositions to be completed by Sept. 30, 2008.

F. Requests to Admit, if any, are to be served no later than Feb. 8, 2008.

5. Dispositive motions are to be served and filed by Oct. 29, 2008  
Answering papers are to be served and filed by Nov. 26, 2008  
Reply papers are to be served and filed by Dec. 10, 2008.

All motions and applications shall be governed by the Court's Individual Practice Rules, which are available on the Internet at <http://www.nysd.uscourts.gov>. Note that under those rules, two courtesy copies of all motion papers are to be provided to chambers by the movant at the time the reply is filed. It is the responsibility of the movant to make sure that copies of all parties' papers are provided at that time.

Any party may request oral argument by letter at the time reply papers are filed. Whether or not requested, the Court will determine whether and when oral argument is to be held.

6. The joint pretrial order shall be filed no later than 30 days after completion of discovery, or after the final decision of any dispositive motion, whichever is later, unless a different date is set by order of the Court. The requirements for the pre-trial order and other pre-trial submissions shall be governed by the Court's Individual Practice Rules.

7. Counsel consent to trial by a U.S. Magistrate Judge.  
Yes \_\_\_\_\_ No \_\_\_\_\_ X

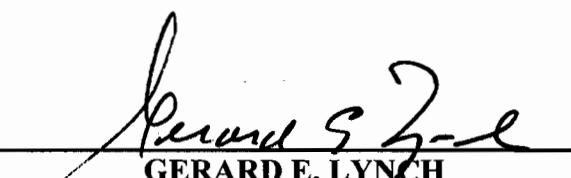
**NEXT CASE MANAGEMENT CONFERENCE** June 30, 2008, at 12:45 p.m.  
*(To be completed by the Court)*

**Dated:**

New York, New York

May 1, 2008

**SO ORDERED:**

  
GERARD E. LYNCH  
United States District Judge